IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITIN NO.7488 OF 2006

Swami Samarth Sahakari Bank Ltd. & Ors. ...Petitioners
V/s.
M/s.Vaibhav Traders & Ors. ...Respondents

Mr.Surel S. Shah for the Petitioners.
Mrs.V.S. Mhaispurkar, AGP for Respondent No.2.

CORAM : S.J. VAZIFDAR, J.
DATED : 17TH JANUARY, 2007.

P.C. :

1. Rule. Rule returnable and heard forthwith.

2. The recovery certificate under Section 101 of the Maharashtra Co-operative Societies Act was with respect to Sou.Anjaja A. Kongari. Even assuming that she was a partner of the first Respondent herein and the first Respondent was not a sole proprietory concern, there is no warrant for staying the execution of the recovery certificate against her. For even if she was a partner, the Bank was entitled to move against her individually.

3. In the circumstances, the impugned order is stayed.